

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DOUG BURCHFIELD,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Civil Action File No.
	:	1:07-CV-1263 (TWT)
CSX TRANSPORTATION, INC.,	:	
THE ANDERSONS, INC.,	:	
	:	
Defendants.	:	
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THE ANDERSONS, INC.,	:	
	:	
Defendant/Third-party Plaintiff,	:	
	:	
v.	:	
	:	
STAR OF THE WEST MILLING	:	
COMPANY,	:	
	:	
Third-party Defendant.	:	

**DEFENDANT CSX TRANSPORTATION INC.'S
NOTICE OF DEFENSE OF FAULT OF NON-PARTY**

COMES NOW CSX Transportation, Inc. "CSXT"), Defendant herein, and pursuant to O.C.G.A. § 51-12-33(d), hereby gives notice of its intent to assert at the trial of the above-captioned matter that a non-party is wholly or partially at fault in

leading to the injuries claimed by Plaintiff. As part of its Notice, CSXT shows the Court the following:

1.

The non-party believed to be at fault is General Mills Inc., which operates a cereal processing plant at 15200 Industrial Park Blvd. NE, Covington, GA 30014.

2.

Defendant CSXT believes that non-party General Mills Inc. is at fault because evidence disclosed in discovery shows that General Mills Inc. likely breached its duty of due care in the training and supervision of its employees, including Plaintiff and his co-workers, which caused or contributed to cause the accident at issue in this litigation. For this reason, CSXT is notifying the Court and all parties as required by O.C.G.A. § 51-12-33(d) that it believes a non-party is partly or entirely at fault in causing the accident at issue.

3.

This Notice is served more than 120 days prior to any anticipated date for trial, as required by the statute.

Respectfully submitted, this 22nd day of October, 2008.

CASEY GILSON P.C.

/s/ Joyce Gist Lewis

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This is to certify that on October 22, 2008, the undersigned counsel electronically filed the foregoing **DEFENDANT CSX TRANSPORTATION INC.'S NOTICE OF DEFENSE OF FAULT OF NON-PARTY** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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This 22nd day of October, 2008.

CASEY GILSON P.C.

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